

REMARKS

This amendment amends claims 1-4, 6, 8, 10, 11, 14, and 15 and adds new claims 17-23. No new matter is introduced by these amendments or new claims 17-23. Additionally, in the foregoing amendments, Applicant provides a revised and corrected Abstract and corrected several typographical errors in the specification.

I. Objections and 35 USC § 112 Rejections

The specification and drawings stand objected to in the Office Action. In particular, the specification stands objected to for allegedly lacking textual support for the “arm” with a “roller” as set forth in claims 8, 14, and 15. The drawings stand objected to for an alleged failure to show each claimed feature of the invention. The specification and drawings objections are related to a typographical error that appears in several locations in the specification relating to use of the word “rotor” in place of the correct word “roller”. Applicant has attended to the foregoing informalities by correcting the several typographical errors in the specification relating to the typographical “rotor” versus “roller” inconsistency. Full support is provided in the original specification (page 7, line 23 to page 8, line 14, for example) and drawings (FIG. 4, for example) for the changes to the specification. In view of the changes to the specification, no drawings changes are deemed necessary. Reconsideration of the objections to the specification and drawings is respectfully requested.

Claims 1-7 stand rejected under 35 USC § 112, first paragraph, for lacking an adequate written description of the “rotor” claimed in independent claim 1. Again, the use of the word “rotor” was a typographical error that has been corrected in the foregoing claim amendments. This typographical error is repeated in claims 2, 4, and 6. Each of these errors is corrected in the foregoing amendments. Accordingly, reconsideration of the rejections under 35 USC § 112, first paragraph, is respectfully requested.

Claims 1-16 stand rejected under 35 USC § 112, second paragraph, for indefiniteness for the various informalities identified in paragraph 8 of the Office Action. Applicant has attended to each of the specific inconsistencies identified by the Examiner in paragraph 8 of the Office Action in the foregoing amendments and reconsideration of the rejections under 35 USC § 112, second paragraph, is respectfully requested.

II. 35 USC § 103(a) Rejections

Applicant acknowledges that claims 1-7 have not been examined on the merits based on prior art. Applicant further acknowledges that claims 9-12 are indicated as containing allowable subject matter and would be in condition for allowance if rewritten in independent form to include all of the limitations of base independent claim 8 and any intervening claims, as well as to attend to the rejections under 35 USC § 112, second paragraph. Likewise, Applicant acknowledges that claims 14-16 would be allowable if the rejections under 35 USC § 112, second paragraph, are overcome.

Beginning with claims 14-16, Applicant has corrected the 35 USC § 112, second paragraph, rejections detailed in the Office Action. Accordingly, Applicant believes that claims 14-16 are now in condition for allowance and such is respectfully requested.

Independent claim 8 stands rejected under 35 USC § 103(a) for obviousness over United States Patent No. 2,375,747 to Brown in view of United States Patent No. 617,051 to Sawyer. Claim 13 stands rejected under 35 USC § 103(a) for obviousness over Brown in view of Sawyer, and further in view of United States Patent No. 1,694,084 to Straight. In view of the foregoing amendments and following remarks, Applicant respectfully requests reconsideration of the Examiner's obviousness rejections of claims 8 and 13 over the cited references.

Independent claim 8 is directed to a transport apparatus having a guide rail for transporting an article, and comprising a vehicle that moves along the guide rail, an ascending/descending actuator mechanism, a holding unit, a fall prevention member, a pivoting member, and a roller. As amended, independent claim 8 substitutes the "pivoting member" in place of the "arm" previously recited in independent claim 8 to attend to the indefiniteness rejections discussed previously. Additionally, independent claim 8 was amended with clarifying language to identify that the pivoting member is capable of pivoting about a first shaft supported by rather than "fastened to" the fall prevention member as this language places independent claim 8 in better form. As further amended, independent claim 8 recites that the roller abuts on a side of the article when the fall prevention member is in a position extending below the bottom of the article.

Brown discloses a material handling crane (10) that includes four arcuate arms (11-14) which are connected by spaced bars (30, 31). The lower ends of arms (11-14) are further connected by respective material engaging jaws (42, 43) which each include a roller (49). As discussed at column 2, line 53 to column 3, line 7 of Brown, rollers (49) are

provided to facilitate insertion of the ends of material into the jaws (42, 43), and the jaws (42, 43) include handles (50) that are secured to the jaws (42, 43) to facilitate the manual positioning of the jaws (42, 43) with respect to the material to be handled/loaded. Sawyer is cited in the Office Action for the disclosure of a crane mechanism which raises a gripping cradle with wires (M, N) using a motor (E) mounted on a vehicle rail (B). Straight is only cited in connection with claim 13 and for disclosing a crane mechanism with a motor (42) mounted on the top surface of a lifting frame (36), with the motor (42) used to drive a pair of gyroscopes (41) for oscillation reduction.

As amended, independent claim 8 clarifies that a roller is mounted on the free end of a pivoting member and abuts a side of the article being transported during operation of the claimed transport apparatus. As will be apparent from viewing Figs. 1-3 of Brown, rollers (49) are provided in jaws (42, 43) for the purpose of facilitating manual insertion of material to be lifted into the jaws (42, 43). As shown in Fig. 2, rollers (49) are located below the material to be lifted once inserted into jaws (42, 43) and do not abut a side of the material to be lifted as set forth in amended independent claim 8. Accordingly, based on the teachings of Brown, it is clear that the claimed roller arrangement for engaging the side of an article would not have been obvious over Brown, as Brown uses rollers (49) to allow quick and easy manual insertion of an article into jaws (42, 43) and, thereafter, for supporting the raised article/material from below. Sawyer and Straight fail to teach rollers of any kind and therefore do not overcome the deficiencies of Brown. As a result, it is respectfully submitted that amended independent claim 8 distinguishes over the cited prior art and is condition for allowance.

As indicated previously, independent claim 1 was not examined on the merits. However, Applicant notes that independent claim 1 was amended in a generally analogous manner to independent claim 8 with respect to the recitation of a roller. The roller claimed in independent claim 1 is adapted to be moved toward and away from a side of an article to be transported. Based on this similar clarifying language added to independent claim 1, it is believed that independent claim 1 also distinguishes over Brown in particular, as well as Sawyer and Straight. Accordingly, allowance of amended independent claim 1 is respectfully requested.

Claims 9-13 add further limitations to independent claim 8 and are believed to be in condition for allowance for all the reasons discussed previously in connection with amended independent claim 8. Likewise, claims 2-6 add further limitations to independent

claim 1 and are also believed to be in condition for allowance for the reasons discussed in connection with amended independent claim 1.

This amendment adds new claims 17-23. New claims 17-20 add further limitations, directly or indirectly, to independent claim 1. New claims 21-23 add further limitations to independent claim 8. Based on the foregoing, Applicant believes that new claims 17-23 further distinguish over the cited prior art and are also in condition for allowance.

Should the Examiner have any questions regarding any of the foregoing or wish to discuss this application in further detail to advance prosecution, the Examiner is invited to contact Applicant's undersigned representative at the telephone number provided below.

Respectfully submitted,

THE WEBB LAW FIRM

By 

Christian E. Schuster
Registration No. 43,908
Attorney for Applicant
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1845
Telephone: 412-471-8815
Facsimile: 412-471-4094
E-mail: webblaw@webblaw.com